

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1008 be amended to read as follows:

1 Page 4, delete lines 26 through 38, begin a new paragraph and insert:

2 "Sec. 16. (a) A special account within the state general fund
3 shall be established for each unit that adopts an income tax under
4 this chapter. Any revenue derived from the imposition of the
5 income tax by a unit shall be deposited in that unit's account in
6 the state general fund.

7 (b) Any income earned on money held in an account under
8 subsection (a) becomes a part of that account.

9 (c) Any revenue remaining in an account established under
10 subsection (a) at the end of a fiscal year does not revert to the
11 state general fund.

12 Sec. 17. (a) Revenue derived from the imposition of an income
13 tax under this chapter shall, in the manner prescribed by this
14 section, be distributed to the unit that imposed it. The amount
15 that is to be distributed to a unit during an ensuing calendar year
16 equals the amount of income tax revenue under this chapter that
17 the department, after reviewing the recommendation of the
18 budget agency, determines has been:

19 (1) received from that unit for a taxable year ending in a
20 calendar year preceding the calendar year in which the
21 determination is made; and

22 (2) reported on an annual return or amended return

1 processed by the department in the state fiscal year ending
2 before July 1 of the calendar year in which the determination
3 is made;
4 as adjusted (as determined after review of the recommendation of
5 the budget agency) for refunds of income tax under this chapter
6 made in the state fiscal year.

7 (b) Before August 2 of each calendar year, the department,
8 after reviewing the recommendation of the budget agency, shall
9 certify to the fiscal officer of each adopting unit the amount
10 determined under subsection (a) plus the amount of interest in
11 the unit's account that has accrued and has not been included in
12 a certification made in a preceding year. The amount certified is
13 the unit's "certified distribution" for the immediately succeeding
14 calendar year. The amount certified shall be adjusted, as
15 necessary, under subsections (c), (d), and (e). The department
16 shall provide with the certification an informative summary of the
17 calculations used to determine the certified distribution.

18 (c) The department shall certify an amount less than the
19 amount determined under subsection (b) if the department, after
20 reviewing the recommendation of the budget agency, determines
21 that the reduced distribution is necessary to offset overpayments
22 made in a calendar year before the calendar year of the
23 distribution. The department, after reviewing the recommendation
24 of the budget agency, may reduce the amount of the certified
25 distribution over several calendar years so that any overpayments
26 are offset over several years rather than in one (1) lump sum.

27 (d) The department, after reviewing the recommendation of the
28 budget agency, shall adjust the certified distribution of a county
29 to correct for any clerical or mathematical errors made in any
30 previous certification under this section. The department, after
31 reviewing the recommendation of the budget agency, may reduce
32 the amount of the certified distribution over several calendar
33 years so that any adjustment under this subsection is offset over
34 several years rather than in one (1) lump sum.

35 (e) This subsection applies to a unit that:

36 (1) initially imposed a tax under this chapter; or

37 (2) increased the rate of a tax imposed under this chapter;
38 in the same calendar year in which the department makes a
39 certification under this section. The department, after reviewing
40 the recommendation of the budget agency, shall adjust the
41 certified distribution of a unit to provide for a distribution in the
42 immediately following calendar year and in each calendar year
43 thereafter. The department shall provide for a full transition to

1 certification of distributions as provided in subsection (a)(1)
2 through (a)(2) in the manner provided in subsection (c).

3 (f) One-twelfth (1/12) of each adopting unit's certified
4 distribution for a calendar year shall be distributed from its
5 account established under section 16 of this chapter to the fiscal
6 officer of the unit on the first day of each month of that calendar
7 year.

8 (g) Upon receipt, each monthly payment of a unit's certified
9 distribution shall be used as provided in this chapter.

10 (h) All distributions from an account established under section
11 16 of this chapter shall be made by warrants issued by the auditor
12 of state to the treasurer of state ordering the appropriate
13 payments.

14 **Sec. 18. (a)** Before October 2 of each year, the department
15 shall submit a report to the fiscal officer of each unit that has
16 adopted an income tax under this chapter. The report must
17 indicate the balance in the unit's special account as of the cutoff
18 date set by the budget agency.

19 (b) If, after receiving a recommendation from the budget
20 agency, the department determines that a sufficient balance exists
21 in a unit's account in excess of the amount necessary, when added
22 to other money that will be deposited in the account after the date
23 of the recommendation, to make certified distributions to the unit
24 in the ensuing year, the department shall make a supplemental
25 distribution to the unit from the unit's special account.

26 (c) A supplemental distribution described in subsection (b) must
27 be made in January of the ensuing calendar year and be used as
28 provided in this chapter.

29 (d) A determination under this section must be made before
30 October 2."

31 Page 4, line 39, delete "Sec. 17." and insert "Sec. 19."

32 Page 4, line 42, delete "Sec. 18." and insert "Sec. 20."

33 Page 5, line 3, delete "Sec. 19." and insert "Sec. 21."

34 Page 5, line 6, delete "Sec. 20." and insert "Sec. 22."

35 Page 5, delete lines 15 through 20.

36 Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 16, 2004.)

Representative Lytle